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ARISTA MUSIC, ARISTA RECORDS, LLC,
8 LAFACE RECORDS LLC, SONY MUSIC
ENTERTAINMENT, SONY MUSIC
9 ENTERTAINMENT US LATIN LLC, AND
ZOMBA RECORDING, LLC
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11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION
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14 ARISTA MUSIC, ARISTA RECORDS, LLC,
15 LAFACE RECORDS LLC, SONY MUSIC
ENTERTAINMENT, SONY MUSIC
16 ENTERTAINMENT US LATIN LLC, AND
ZOMBA RECORDING LLC,

17 Plaintiffs,

18 v.

19 RADIONOMY, INC., RADIONOMY SA,
20 RADIONOMY GROUP, B.V., and
ALEXANDRE SABOUNDJIAN, an
21 individual,

22 Defendants.
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Case No. 3:16-cv-00951 RS

**[PROPOSED] ORDER DENYING
DEFENDANTS' MOTIONS TO DISMISS**

Judge: Hon. Honorable Richard Seeborg
Dept.: Courtroom 3, 17th Floor

Trial Date: None Set

1 The motions to dismiss of Defendant Alexandre Saboundjian ("Saboundjian") and
2 Radionomy B.V., Radionomy S.A., and Radionomy Inc. (collectively, the "Radionomy
3 Defendants" and, with Saboundjian, "Defendants") came on for hearing before this Court on June
4 16, 2016. Having considered the motions, the papers filed in support of and in opposition thereto,
5 and oral argument made by the parties' respective counsel, and good cause appearing, the motions
6 are hereby DENIED.

7 The Court finds that sufficient minimum contacts exist to establish personal jurisdiction
8 over Saboundjian. The Court also finds that personal jurisdiction over Saboundjian is, in the
9 alternative, proper under Fed. R. Civ. P. 4(k)(2) based on Saboundjian's nationwide contacts,
10 regardless of his California contacts. Saboundjian's motion to dismiss under Fed. R. Civ. P.
11 12(b)(2) is therefore denied.

12 The Court also finds that the Complaint sufficiently states a claim against Saboundjian
13 based on its allegations that Saboundjian exercised control over, and actively and directly
14 participated in, the alleged infringing conduct at issue. Saboundjian's motion to dismiss under
15 Fed. R. Civ. P. 12(b)(6) is accordingly denied.

16 The Court further finds that sufficient minimum contacts exist to establish personal
17 jurisdiction over Radionomy Group B.V. given Radionomy Group B.V.'s management and
18 control, through Saboundjian, of Radionomy S.A. and Radionomy Inc. The Court also finds that
19 personal jurisdiction over Radionomy Group B.V. is, in the alternative, proper under Fed. R. Civ.
20 P. 4(k)(2) based on Radionomy Group B.V.'s nationwide contacts, through Radionomy S.A. and
21 Radionomy Inc., regardless of its California contacts. Radionomy Group B.V.'s motion to dismiss
22 under Fed. R. Civ. P. 12(b)(2) is therefore denied.

23 The Court finds that the Complaint sufficiently gives fair notice to all Defendants about the
24 claims brought against them, such that the Radionomy Defendants' motion to dismiss pursuant to
25 Fed. R. Civ. P. 12(b)(6) is denied.

26 [Alternatively:

27 The Court determines that a ruling on Defendants' motions to dismiss pursuant to Fed. R.
28 Civ. P. 12(b)(2) should be deferred pending expedited jurisdictional discovery requested by

1 Plaintiffs. Plaintiffs have met their burden to come forth with "some evidence" tending to
2 establish personal jurisdiction over Saboundjian and Radionomy Group B.V., and are therefore
3 entitled to jurisdictional discovery prior to a ruling on Defendants' motions.

4 Accordingly, Plaintiffs shall serve limited, jurisdictional discovery on Saboundjian and
5 Radionomy Group B.V. as soon as practicable, and responses to such discovery will be due within
6 twenty (20) days of service. Plaintiffs are permitted one deposition of Alexandre Saboundjian of
7 not more than seven (7) hours, to be scheduled within twenty (20) days of the service of the notice
8 of such deposition. This expedited discovery is granted without prejudice to Plaintiffs' further
9 discovery requests and depositions taken on a non-expedited timeline.]

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11 **IT IS SO ORDERED.**

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13 Dated: _____

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16 Honorable Richard Seeborg
17 United States District Judge
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